



Legislation Details (With Text)

File #: 13-1677 **Version:** 1 **Name:** Settlement of Civil Litigation: Clarestine Braxton
Type: Resolution **Status:** Filed
File created: 8/20/2013 **In control:** Law
On agenda: 10/2/2013 **Final action:** 10/17/2013

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: Civil Action No. 08-4218 (JLL) as remanded to ESX-L-8956-11
Claimant: Clarestine Braxton
Claimant's Attorney: Mark B. Frost & Associates,
Attorney's Address: Pier 5 at Penn's Landing, 7 North Columbus Boulevard, 2nd Floor, Philadelphia, Pennsylvania 19106
Settlement Amount: \$200,000.00
Funding Source: City of Newark
Additional Comments:
Invitation: Corporation Counsel, October 1, 2013
No Action Taken 7R7-d 100213
No Action Taken 7R7-d 101013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/17/2013	1	Municipal Council	Adopt	Pass
10/10/2013	1	Municipal Council	no action taken	
10/2/2013	1	Municipal Council	no action taken	

Dept/ Agency: Law

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WHEREAS, two (2) suits were instituted by plaintiff, Clarestine Braxton against the City of Newark: 1) in the United States District Court for the District of New Jersey under Civil Action No. 08-

-4218 (JLL); and 2) in the Superior Court of New Jersey, County of Essex, bearing Docket No. ESX-L-8956-11 seeking recovery for alleged retaliatory treatment under the law by the City of Newark, and its employees individually; and

WHEREAS, in the lawsuit bearing Civil Action No. 08--4218 (JLL) the federal causes of action were dismissed and the remaining state causes of action were remanded to the Superior Court of New Jersey to the lawsuit bearing Docket No. ESX-L-8956-11; and

WHEREAS, a proposal has been made to resolve said litigation by payment in the amount of Two Hundred Thousand Dollars (\$200,000.00); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances deems it in the best interest of the City of Newark to resolve this matter by making such payment.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The settlement of the matter bearing Docket No. ESX-L-8956-11 is hereby approved.

2. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue a check in the amount of: Two Hundred Thousand Dollars (\$200,000.00) made payable to Mark B. Frost & Associates Pier 5 at Penn's Landing, 7 North Columbus Boulevard, 2nd Floor, Philadelphia, Pennsylvania 19106, on behalf of Clarestine Braxton.

3. Attached hereto is the Certification of the Comptroller of the City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and the line appropriation of the Official Budget that shall be charged is Fund 025, Agency 25T, Organization 5T25 and Object 96320. A copy of the Comptroller's Certification shall be filed in the Office of the City Clerk, along with a copy of this resolution.

STATEMENT

The resolution hereby authorizes Corporation Counsel to effectuate a Settlement of Civil Litigation by entering into a Release in the amount of Two Hundred Thousand Dollars (\$200,000.00) to plaintiff, Clarestine Braxton, represented by Mark B. Frost & Associates of Pier 5 at Penn's Landing, 7 North Columbus Boulevard, 2nd Floor, Philadelphia, Pennsylvania 19106.